IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1159 /02

PETITIONER: Prakash Bek s/o Shri Pahalu, aged about 35 years, r/o vill.- Basantala , P.O.- Basantala , Teh. Kunkuri , Dist. Jushpur(C.G.)

Vs

RESPONDENTS

1. S.D.O. (Revenue),Kunkuri, (Shri Aanand Masih) Teh. Kunkuri, Distt- Jashpur (C.G.)
2. Collector, Jashpur (Shri M.R.Sarathi Dist.- Jushpur (C.G.)
3. The State of chhattisgarh , Through the Sacratery Publick Work Department Raipur

P. R. No. 1159 Presented by Shri J.K. Shrivastava dated 19.9.02

PETITION u/s 226 OF CONSTITUTION OF INDIA

(40)

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition No. 1159 of 2002

Prakash Bek

-Vs-

S.D.O. (Revenue), Kunkuri & Others

O R D E R **Post for 28.10.2002.**

Sd/-
Fakhruddin
Judge

28-10-2002

(11)

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition No. 1159 of 2002

Prakash Bek

-Vs-

S.D.O. (Revenue), Kunkuri & Others

Petitioner by Smt. Meena Shastri, Advocate.

State by Shri Ranbir Singh, Govt. Advocate.

O R D E R

By Justice Fakhruddin, J.

1. By this petition under Article 226 of the Constitution of India, the petitioner submits that the Hospital which is being constructed over the land of the father of the petitioner be demolished and further construction be restrained.

2. Learned counsel for the petitioner contended that the construction of the Hospital has been made on the land belonging to the father of the petitioner. It is contended that

the land has not been acquired nor any compensation has been paid.

3. Learned counsel appearing for the State, on the other hand, submits that the construction of the Hospital is being made over the Government land. It is in the public interest. It is further submitted that the construction of the Hospital is not at all illegal and the petitioner raises disputed question of fact. It is also submitted that the petitioner has not submitted any representation nor any notice for demand of justice has been given. The construction is practically complete.

4. Since the construction of the Hospital as stated to be practically completed, the question regarding compensation or otherwise would arise. The petitioner has also not made any representation nor served any notice for demand of justice.

5. Having considered the facts and circumstances of the case and material on record, in the opinion of this Court, ends of justice would be served if a direction is given that the petitioner shall file a detailed affidavit along with a copy of this order as well as copy of the petition with annexures

(UB)

before the respondent No. 2/Collector Jashpur, district Jashpur. If such a representation is filed, the Collector shall decide the same in accordance with law as early as possible preferably within a period of two months from the date of representation. If it is found that the land of the petitioner has been encroached upon and the hospital is being constructed on the land of the petitioner's father without making any payment of compensation, the petitioner shall be at liberty to file a civil suit for compensation in accordance with law, if so desire.

With these observations, the petition is disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

28-10-2002

PATHAK/-